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Law of the Sea Country Study

North Korea

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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED] Part II provides [REDACTED] basic data and information bearing on law of the sea matters.

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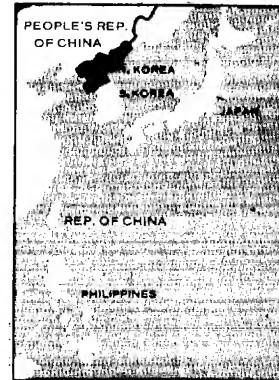
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NORTH KOREA

Part I - Law of the Sea Analysis

A. SUMMARY

North Korea has seldom commented publicly on the upcoming Law of the Sea (LOS) Conference and has begun only recently to discuss some of the LOS issues in an international context. P'yongyang has largely restricted its LOS-related statements to matters of direct and immediate concern to North Korea -- the "Pueblo" affair, the events along the Northern Limit Line* in the Yellow Sea, and the petroleum exploration activities on the continental shelf off South Korea. While there is no evidence that the North Koreans have given any thought to marine pollution, scientific research, revenue sharing, dispute settlement or many of the other issues to be debated at Caracas, they are undoubtedly not completely oblivious to them. Their expansion of distant-water fishing operations, increased trade with countries other than China and the U.S.S.R., and stated interest in the petroleum-bearing potential of the adjacent continental shelf indicate that North Korea plans for greater reliance on the sea and reveal a probable growing concern for the sea's orderly development. When formulating its LOS policy, North Korea may consider the often conflicting interests of its two close allies, China and the U.S.S.R.; but by and large, P'yongyang's policy will be arrived at selfishly, including, where practicable, positions that will enhance its lesser developed country (LDC) image.



*The Northern Limit Line was established in 1965 by the commander of the UN Command's naval component (a U.S. flag officer) to mark the northern limit of routine UN naval patrols. The line includes within South Korean "territory" five UN-controlled islands that lie within a hypothetical North Korean 12-mile territorial sea. The South Koreans regard the line as a seaward extension of the Military Demarcation Line and a de facto boundary between North and South Korea. The Northern Limit Line, in fact, has no basis in international law, and is binding only on military forces under the UN Command.

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North Korea is likely to support the 12-mile* territorial sea limit. Although the government would undoubtedly prefer complete coastal-state control over navigation in its territorial sea, P'yongyang will probably approve the innocent passage regime. North Korea may want some control over navigation and overflight immediately beyond the territorial sea and will probably vote for innocent passage in international straits that are overlapped by a territorial sea. North Korea will want control of the resources of the sea and seabed in a zone beyond the territorial sea -- out to at least 70 miles from the baseline. Along with control of these resources, P'yongyang will want to control pollution standards and scientific research within the coastal state economic zone. Lacking seabed mining technology, North Korea will look to the revenue-sharing concept as the only means for getting a share of the deep seabed's wealth. To secure a maximum share of the deep seabed's wealth, P'yongyang will seek a one-nation-one-vote system, but would prefer a weighted voting system favoring socialist countries or developing countries.

B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features

North Korea's two coasts front on semienclosed seas. The Yellow Sea is less than 200 miles in breadth and less than 200 meters deep. The Sea of Japan off the coast of North Korea approaches 600 miles in breadth and exceeds 3,600 meters in depth, and the entire sea is encircled by a narrow continental shelf. The North Korean portion of the Sea of Japan shelf has a maximum breadth of less than 40 miles.

Although no international straits border North Korea, there are several in which P'yongyang has vital interest. La Perouse Strait (23 miles wide), between Hokkaido and Sakhalin, and the straits in the Kuril Islands (all but three are less than 24 miles wide) provide the North Korean distant-water fishing fleet access between its home ports on the Sea of Japan and fishing grounds in the Sea of Okhotsk, the western Pacific, and the Bering Sea. North Korean fishermen also may use Tsugaru Strait (10 miles wide), between Honshu and Hokkaido, to gain access to the Pacific. The western channel of the Korea Strait (Western Korea Strait, 23 miles wide), between South Korea and the Japanese island Tsushima, and the eastern channel of the Korea Strait (Tsushima Strait, 25 miles wide), between Tsushima and Kyushu, lie on the most direct sea route between North Korea's two coasts. North Korean ships, however, rarely pass through them.

*Distances and areas throughout this study are in nautical miles unless specified otherwise.

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Uses of the Sea

Mineral Resources -- Recent Chinese petroleum strikes in Po Hai and the petroleum exploration activities off South Korea in the Yellow Sea, East China Sea, and Korea Strait have prompted the North Koreans to look hopefully to their own continental shelves as sources for petroleum. North Korea now imports virtually all of its petroleum products, the great bulk of them from the U.S.S.R. In an attempt to reduce this dependence on foreign oil, North Korea recently entered into an agreement with China to carry out jointly the resource exploration of their common shelf in the Yellow Sea. The North Koreans might also look to their Sea of Japan shelf for petroleum; the Japanese are developing a field on the opposite shelf just off Honshu's west coast.

Living Resources -- Marine products, largely fish, but also shellfish and seaweed, constitute important segments of the North Korean diet and exports. Although both of the seas bordering North Korea contain rich fishing grounds, the Sea of Japan has historically been the more productive. The warm Tsushima Current flowing northward through the Korea Strait carries numerous fish species to the cold waters of the Sea of Japan and keeps ports ice-free. Additionally, the Sea of Japan coast does not experience the extreme tidal ranges common to the Yellow Sea (nearly 40 feet in some localities). Both of these seas, as well as the Sea of Okhotsk, the Pacific Ocean, and the Bering Sea figure in P'yongyang's plans for expansion of its fishing industry, plans that call for a nearly 100% increase in production between 1969 and 1976.

Marine Transportation -- North Korean-flag ships ply only coastal and inland waters, and are not known to circumnavigate the peninsula between coasts. Although these vessels carry some commodities between North Korean and nearby Chinese and Soviet ports, the bulk of North Korea's seaborne trade is carried by foreign ships. Trade between North Korea and its major trading partners, China and the U.S.S.R., flows mainly by rail.

Naval and Air Transportation -- The North Korean Navy is primarily a coastal defense force. It is separated into self-contained Yellow Sea and Sea of Japan fleets by the 1,500-mile coastline of hostile South Korea. North Korea's small civil airline, run by the air force, operates only one scheduled international route -- between P'yongyang and Peking. The aircraft probably fly by way of Shen-yang in Northeast China, however, and would not, therefore, go over the sea.

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Political and Other Factors

History has shown the Koreans to be independent-minded and at times impetuous. North Korea's LOS policy can be expected to follow a similar course, but tempered by several political realities. When formulating its LOS policy P'yongyang will have to weigh carefully the often conflicting LOS interests of its two close allies, China and the U.S.S.R., though in most cases North Korean interests have led to closer identification with Chinese views. North Korea must also consider its role as an LDC and at least pay lip-service to the LDC line -- a function that P'yongyang, like Peking, has performed willingly as evidenced by its defense of the extreme claims of Latin American and African countries and by its condemnation of the LOS views and marine activities of the developed countries, particularly the U.S. "imperialists" and the Japanese "militarists." North Korea may use the LOS Conference as a forum in which to promote its self-assumed role as leader of the "united-Korea" movement. Despite its many attacks, verbal and otherwise, on its southern neighbor, P'yongyang has spoken in defense of South Korean fishermen whose fishing grounds were being "plundered" by the Japanese. North Korea also looks on the resources of the continental shelf adjacent to the Korean Peninsula as belonging to the entire Korean people and, hence, has protested loudly against South Korean deals on continental shelf oil exploration with Japan.

C. LAW OF THE SEA POLICYTerritorial Sea

The North Koreans define territorial sea only as a "certain area of sea over which sovereignty is exercised by the competent state." North Korea claims 12 miles, and in light of the "Pueblo" affair and the continuing incidents along the Northern Limit Line in the Yellow Sea -- unequivocal demonstrations of sovereignty exercised, it is unlikely that North Korea will accept anything less for the international territorial sea standard. Adoption of the 12-mile rule will place the Western Korea Strait within the territorial seas of Japan and South Korea, leaving North Korea with the adjacent 25-mile-wide Tsushima Strait as the only high seas gateway to the most direct route between its two coasts.

Further defining the exercise of sovereignty in the territorial sea, the government stated that the "seaboard state" can "seize and deal with in accordance with its law any warship

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violating its territorial water, or any commercial vessel violating its law and order" -- a rather negative and belligerent definition of innocent passage. North Korea's current practice of requiring South Korean military ships -- but not nonmilitary ships -- to seek P'yongyang's permission before visiting the UN-controlled islands in the Yellow Sea that lie within a hypothetical North Korean 12-mile territorial sea is consistent with the innocent passage rule. This, together with its public statements, imply North Korean support, reluctant though it may be, for the innocent passage regime in the territorial sea.

Straits

The straits issue probably is of little concern to the North Koreans. North Korea has no bordering straits, and the overlapping of certain straits by the territorial sea with the possible accompaniment of innocent-passage regimes would have no adverse effect on present operations of North Korean fishing and merchant ships. The limitations of the North Korean Navy remove from P'yongyang's thinking on straits any consideration of the implications of innocent passage on military transit. With nothing to gain or lose economically or militarily from the straits issue, P'yongyang may seize on it for political gain. North Korea could look on the issue as a means of enhancing its LDC image and thus vote for innocent passage. Innocent passage in the Western Korea Strait also would fit in well with P'yongyang's plans for its eventual control of the entire peninsula.

Semiclosed Seas

The establishment of special semiclosed sea regimes that incorporate jurisdictional division among the bordering states by median line boundaries in both of North Korea's bordering seas would, from North Korea's viewpoint, be superior to any of the standard depth or distance plans for coastal state jurisdiction now being considered. While the Yellow Sea's less-than-400-mile breadth could not accommodate 200-mile coastal state jurisdictional zones, the Sea of Japan's 600-mile breadth off North Korea would add to North Korea's jurisdiction a strip of sea up to 100 miles broader than would a 200-mile coastal zone. All of the states bordering the Yellow Sea and the Sea of Japan would benefit from the special pollution control, resource management, and other standards that would be tailored to the peculiarities of the two seas.

Continental Shelf

North Korea is likely to support a distance rule for coastal state jurisdiction of the adjacent continental shelf. The country's

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narrow, sharply sloped east coast shelf would make P'yongyang's support for a 200-, 500-, or even 1,000-meter-depth limit foolhardy.

North Korean public statements imply some claim to the shelf and shelf resources adjacent to the entire Korean Peninsula. In March 1973 when commenting on oil exploration activities off South Korea, P'yongyang denounced Seoul for "selling the nation's resources to U.S. and Japanese aggressors," saying that South Korean authorities had no right to "strike a bargain with anybody about our continental shelf." The following January, North Korea condemned South Korea and declared "null and void" the agreement that Seoul and Tokyo had just signed to develop jointly a portion of the East China Sea shelf; P'yongyang declared the resources of the "south and west seas" the wealth of the entire Korean people.

Coastal State Jurisdiction Beyond the Territorial Sea

P'yongyang will probably support the establishment of a wide coastal state exclusive economic zone -- 70 miles at the minimum. The distance between the North Korean coast and a median line in the Yellow Sea is less than 90 miles, but in the Sea of Japan the distance is approximately 300 miles. That North Korea feels entitled to exert some jurisdiction beyond the territorial sea is illustrated by North Korean seizure or rerouting of foreign fishing and merchant vessels as far from shore as 70 miles. Of particular interest in this regard, coming as it does on the eve of the LOS Conference, is P'yongyang's 11 June 1974 announcement of its claim to Dak-do (Liancourt Rocks), two barren, rocky islets in the Sea of Japan some 130 miles from the coast of South Korea. South Korea maintains a small police detachment on the easternmost island. Japan calls the islands Take Shima, and is one of three claimants to their ownership.

It is reasonable to assume that North Korea would want complete ownership of the resources and complete jurisdiction over research activities and pollution control standards within its coastal zone. The North Korean position on regulation of navigation and overflight beyond the territorial sea is unknown, and, with P'yongyang's seemingly reckless acts there as a guide, any prediction would be of little value. The North Korean delegation will probably oppose revenue sharing in the coastal zone. North Korea will depend on its continuing friendly relations with the U.S.S.R. to maintain its own distant-water fishing rights in the Sea of Okhotsk and those areas of the Pacific Ocean and Bering Sea that could conceivably become part of a Soviet exclusive economic zone.

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Fisheries

North Korea can be expected to favor complete coastal state ownership and management rights over fisheries within the exclusive coastal state economic zone to assure continued growth of its own fishing industry. These rights would probably include the freedom to satisfy its own needs from available fish stocks, as well as freedom to parcel out the remainder to countries of its choosing. President Kim Il-song, in his public statements, has often mentioned the need for proper management and conservation of the country's fishery resources. In light of its plans and efforts to increase fish production, North Korea will probably want assurances of access to the fish stocks beyond the coastal state economic zone, but P'yongyang may be satisfied with a form of access that is governed by an international fisheries control organization.

High Seas

North Korea's interception and seizure or rerouting of foreign fishing and merchant vessels beyond its territorial sea and the seizure and shooting down of U.S. intelligence-gathering craft are illustrative of P'yongyang's desire to exert some control over navigation and overflight of the high seas adjacent to its territorial sea. Any prediction on this point, as stated earlier, would be of little value; nevertheless, whatever P'yongyang's final high seas policy, it will have to be formulated with due consideration given to the effects of a too restrictive regime on its own growing merchant and distant-water fishing activities.

Deep Seabed

North Korea has no indigenous deep sea mining capability and is likely to look upon a unified, international regime as the only way to get an equitable share of the seabed's resources. P'yongyang would probably want an international regime to have broad powers to manage, explore, and exploit the seabed; would favor maximum revenue sharing; and would want to exercise maximum control over the regime's activities -- a one-nation-one-vote system, but preferably a weighted voting system favoring socialist countries or developing countries.

Landlocked States

P'yongyang probably has not thought very much about landlocked states. Mongolia, its nearest landlocked neighbor, is 600 miles away and would not have to deal with North Korea for transit rights to the

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sea. North Korea would probably willingly vote landlocked and other geographically disadvantaged states a share of the revenue from the resources of the international seabed, but would be reluctant to let them share in the resources of the coastal state economic zone.

Marine Pollution

North Korea will view its authority to set the pollution control and enforcement standards for its economic zone as another vehicle for exercising national sovereignty. There is the possibility that North Korea will agree together with its neighbors to special standards for the Yellow Sea and the Sea of Japan that incorporate coastal state or regional enforcement measures.

Scientific Research

In the interest of national security, North Korea will undoubtedly vote for measures that: 1) require coastal state consent for and, perhaps, participation in scientific research in the zone of coastal state jurisdiction and 2) place scientific research in the international area under control of an international regime.

Regional Arrangements

North Korea has already entered into regional arrangements with China that cover resource exploration and fishing in the Yellow Sea.

D. KEY POLICY MAKERS

Political power in North Korea is concentrated in the hands of Kim Il-song, president and party leader. President Kim is jealous of his country's sovereignty and sensitive to its place in world affairs. He will surely be the decisive voice in formulating North Korea's LOS policy, and will exert tight control over the North Korean delegation to Caracas.

Mr. Kim Hyong-ik, Minister Plenipotentiary in the North Korea Office of the Permanent Observer to the UN, is the only North Korean to have attended a preliminary LOS meeting -- the December 1973 Organizational Conference. Mr Kim's observed reticence at that conference should not be interpreted as North Korean disinterest in LOS debate. He may have been using this first North Korean international LOS experience as a learning situation, an opportunity to gain background and knowledge for a more verbal participation and, perhaps, to prepare for some hard-bargaining at Caracas.

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Part II - Background Information

Geography

World region: East Asia
Category: coastal
Bordering states: People's Republic of China, U.S.S.R.
Bordering bodies of water: Sea of Japan, Yellow Sea, Korea Bay
Bordering semienclosed sea: Sea of Japan, Yellow Sea
Area of continental shelf: 13,200 sq. mi., shared with People's Republic of China
Area to 200 mi. limit: 37,800 sq. mi., shared with People's Republic of China
Area to edge of continental margin: 20,400 sq. mi.
Coastline: 1,500 statute mi.
Land: 47,000 sq. statute mi.
Population: 16,005,000

Industry and Trade

GNP: \$6.0 billion,
Major industries: machine building, electric power, chemicals, mining, metallurgy, textiles, food processing
Exports: \$400 million; minerals, chemical and metallurgical products (1972)
Imports: \$640 million; machinery and equipment, petroleum, foodstuffs, coking coal (1972)
Major trade partners: total trade turnover \$1 billion (1972); about one-fourth with non-Communist countries, three-fourths with Communist countries (almost one-half with the U.S.S.R.)
Merchant marine: 9 ships (1,000 GRT or over) totaling 47,400 GRT; 7 cargo, 2 tanker; North Korea beneficially owns one cargo ship 7,400 GRT which is operated by a Polish shipping company under the Polish flag

Marine Fisheries

Economic importance: fish, shellfish, and seaweed are exported; locally important as a source of animal protein
Other fishing areas: U.S.S.R.
Species: whiting, pollack, many coastal species

Petroleum

Production: 20,000 tons (synthetically from coal)

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Government Leaders

President and General Secretary of the Korean Labor Party, Kim Il-song; Premier, Kim Il
Minister of Foreign Affairs, Ho Tam

Membership in Organizations Related to LOS Interests

IPU Interparliamentary Union
UN United Nations (observer status only)
UNCTAD U.N. Conference on Trade and Development
WHO World Health Organization

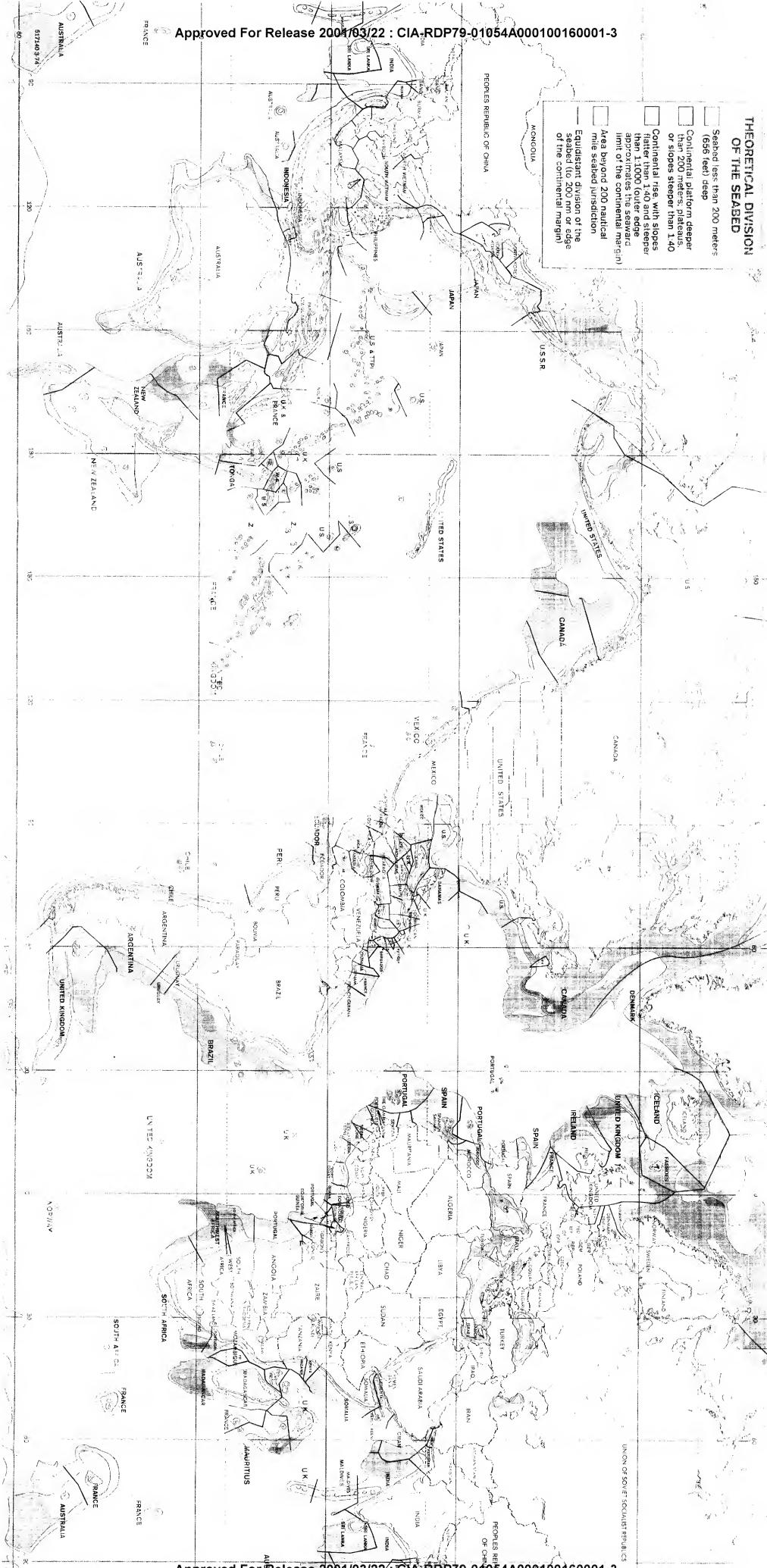
Present Ocean Claims

Type	Date	Terms	Source, Notes
Territorial Sea		12 mi.	
Exclusive Fishing		12 mi.	

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THEORETICAL DIVISION
OF THE SEADED

- Seabed less than 200 meters (656 feet) deep
- Continental plateau deeper than 200 meters; plateaus or slopes steeper than 1:40
- Continental rises with slopes steeper than 1:10 and greater than 1,100 feet above sea level; approximates the seaward limit of the continental margin
- Area beyond 200 nautical miles seabed jurisdiction
- Equidistant division of the seabed to 200 nm or edge of the continental margin



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